

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**SB 1780**

March 18, 2014

**SUMMARY OF BILL:** Creates new Class D felony for elder abuse where one knowingly physically abuses or grossly neglects a disabled adult or elderly person and causes mental or physical harm. Clarifies that “disabled person” and “elderly person” have the same meaning as they do in Tenn. Code Ann. § 71-6-120.

**ESTIMATED FISCAL IMPACT:**

**Increase State Expenditures – \$16,600/Incarceration\***

Assumptions:

- According to the Department of Correction (DOC), the proposed legislation will result in one Class D felony admission every three years.
- According to the DOC, the average operating cost per offender per day for calendar year 2014 is \$66.29.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- The average time served for a Class D felony is 2.06 years.
- A recidivism discount of 48.29 percent applies, but due to the low number of admissions added by this legislation, the recidivism discount does not impact the incarceration cost for the proposed legislation.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every three years serving 2.06 years (752.42 days) for a total of \$16,625.97  $[(\$66.29 \times 752.42 \text{ days}) / 3]$ .
- The proposed legislation will only create one new felony case every three years. It is assumed that the courts, district attorneys, and public defenders can accommodate any impact to their caseloads within existing resources.

*\*Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/trm